



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Larry Carr, Council Member
Mark Grzan, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Steve Tate, Vice-Chair
Larry Carr, Agency Member
Mark Grzan, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, MAY 4, 2005

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Jasmine Square Playground Construction
Go Kids - *Larry Drury*
Home Depot – *Holly Martindale*
Kaboom - *Whitney Hampton*

PROCLAMATIONS

National Nurses Week - May 6 thru May 12, 2005
Michael Johnson and/or Linda Hoeber
Permanente Medical Group South Bay Regional Appointment & Advice Call Center

National Public Works Week
Public Works Staff

Bike to Work Week
Public Works Staff

National Police Week
Police Chief Cumming

National Telecommunicators Week
Police Chief Cumming

PRESENTATION

Relay for Life - May 21, 2005
Linda Roma, American Cancer Society

INVITATION

Art a La Cart – May 14, 2005
Therese Lugger

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-11 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **BI-ANNUAL VACANCY SURVEY** **1**
Recommended Action(s): Establish the Bi-Annual Vacancy Rate for April 2005 as Recommended by the Planning Commission.
2. **AUTO DEALERSHIP STRATEGY** **11**
Recommended Action(s):
 1. **Direct** Staff to Meet with the Neighborhood Residents and Property Owners, as needed, in the Walnut Grove Area to Discuss Issues and to Report back to the Council Community and Economic Development Committee Regarding the Discussions; and
 2. **Direct** Staff to Process a Planned Unit Development (PUD) Amendment to Remove the Existing Developed Properties South of Walnut Grove Drive from the Existing PUD Zoning.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
3.	<u>ASSISTANCE WITH REVIEW OF THE COYOTE VALLEY SPECIFIC PLAN</u> 13 <u>Recommended Action(s):</u> 1. <u>Authorize</u> the City Manager to Execute the Agreement between the City of Morgan Hill and Fehr and Peers, Transportation Consultants, Subject to Review and Approval by the City Attorney; 2. <u>Authorize</u> the City Manager to Execute the Agreement between the City of Morgan Hill and the Law Office of Roger Beers, Subject to Review and Approval by the City Attorney; and 3. <u>Appropriate</u> \$50,000 within the General Plan Update Fund for these Agreements.	
4.	<u>MONTEREY UNDERGROUND UTILITIES DISTRICT</u> 39 <u>Recommended Action(s):</u> <u>Direct</u> Staff to Notice the Required Public Hearing to be held on June 1, 2005 for the Formation of an Underground Utility District along Monterey Road between Dunne Avenue and Cosmo Avenue, per City of Morgan Hill Municipal Code, Chapter 12.12.	
5.	<u>SECOND AMENDMENT TO COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE AGREEMENT</u> 41 <u>Recommended Action(s):</u> <u>Direct</u> City Manager to Execute the Agreement with the County, Subject to Review and Approval by the City Attorney.	
6.	<u>2004 ANNUAL CONSUMER CONFIDENCE REPORT REGARDING WATER QUALITY</u> 47 <u>Recommended Action(s):</u> For Council <u>Information Only</u> .	
7.	<u>APPROVAL OF WELL ACCESS AGREEMENT WITH SANTA CLARA VALLEY WATER DISTRICT (SCVWD) FOR WELLS AT MISSION RANCH DEVELOPMENT (APN: 728-32-008)</u> 53 <u>Recommended Action(s):</u> 1. <u>Approve</u> Well Access Agreement with the SCVWD at the Mission Ranch Development; and 2. <u>Authorize</u> the City Manager to Execute Agreement; Subject to Review and Approval by the City Attorney.	
8.	<u>REVISION TO BURROWING OWL PLAN</u> 59 <u>Recommended Action(s):</u> <u>Approve</u> the Plan Revision.	
9.	<u>AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP</u> 63 <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Amended Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.	
10.	<u>ADOPT ORDINANCE NO. 1722, NEW SERIES</u> 75 <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1722, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING CHAPTER 13.04 (WATER SYSTEM) OF TITLE 13 (PUBLIC SERVICES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING WATER METERS FOR MULTI-UNIT DWELLINGS.	
11.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF APRIL 20, 2005</u> 81	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 12-13

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
12.		<u>INVESTMENT POLICY UPDATE</u>	83
		<u>Recommended Action(s):</u>	
		1. <u>Adopt</u> the Updated Investment Policy for the City; and	
		2. <u>Adopt</u> the Updated Investment Policy for the Redevelopment Agency.	
13.		<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF APRIL 20, 2005</u>	127

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
14.	5 Minutes	<u>ZONING AMENDMENT APPLICATION, ZAA-89-16: CHURCH-LaBRUCHERIE</u>	149
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	
15.	10 Minutes	<u>COMMUNITY DEVELOPMENT PROCESSING FEE ADJUSTMENTS</u>	163
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt</u> Resolution Revising Fees and Services Charges.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
16.	10 Minutes	<u>INDEPENDENCE DAY INC. AND MORGAN HILL MUSHROOM MARDI GRAS EVENTS</u>	171
		<u>Recommended Action(s):</u> <u>Consider</u> Oral Report by the Council's Community and Economic Development Committee and <u>Take Action</u> as Needed.	

OTHER BUSINESS:

	Time Estimate		Page
17.	30 Minutes	<u>MORGAN HILL LIBRARY – APPROVAL OF SCHEMATIC DESIGN</u>	173
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> Schematic Design;	
		2. <u>Provide Direction</u> Regarding LEED; and	
		3. <u>Authorize</u> the City Manager to Prepare and Execute a Second Amendment to the Contract with Noll & Tam in the Amount of \$171,753, Subject to Review and Approval by the City Attorney.	
18.	10 Minutes	<u>SETTING OF ANNUAL PUBLIC HEARING FOR FOX HOLLOW-MURPHY SPRINGS LIGHTING AND LANDSCAPE ASSESSMENT DISTRICT</u>	187
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> the Three Resolutions Setting the Annual Public Hearing for the Fiscal Year 2005-2006 Fox Hollow-Murphy Springs Lighting and Landscaping Assessment District; and	
		2. <u>Direct</u> the City Clerk to Notice a Copy of the Resolutions, as noted.	
19.	15 Minutes	<u>ECONOMIC DEVELOPMENT INHIBITORS</u>	291
		<u>Recommended Action(s):</u> <u>Approve</u> and <u>Direct</u> Staff to Implement Recommendations Made by the Community and Economic Development Committee Related to Economic Development Inhibitors.	
20.	5 Minutes	<u>PARKS AND RECREATION COMMISSIONER RESIGNATION</u>	297
		<u>Recommended Action(s):</u>	
		1. <u>Accept</u> the Resignation of Parks and Recreation Commissioner Don Jensen; and	
		2. <u>Direct</u> Staff on the Preferred Process to Fill the New Vacancy.	
21.	15 Minutes	<u>CITY ATTORNEY SERVICES</u>	301
		<u>Recommended Action(s):</u> <u>Provide Direction</u> to Staff on Additional Information or Analysis Needed to Support City Council's Decision on Future City Attorney Services.	
22.	5 Minutes	<u>RECONSIDERATION OF FISCAL YEAR 2005-2006 OPERATING AND CAPITAL IMPROVEMENT BUDGET WORKSHOP DATE</u> (Continued from 4/20/05).....	315
		<u>Recommended Action(s):</u> <u>Consider</u> Mayor's Request to Reschedule the Fiscal Year 2005-2006 Budget Workshop.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT